

The Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

CHERYL KATER and SUZIE KELLY,  
individually and on behalf of all others  
similarly situated,

No. 15-cv-00612-RBL

## **DECLARATION OF TODD LOGAN**

CHURCHILL DOWNS INCORPORATED, a Kentucky corporation, and BIG FISH GAMES, INC., a Washington corporation.

### *Defendants.*

MANASA THIMMEGOWDA, individually and on behalf of all others similarly situated,

No. 19-cv-00199-RBL

## **DECLARATION OF TODD LOGAN**

BIG FISH GAMES, INC., a Washington corporation; ARISTOCRAT TECHNOLOGIES INC., a Nevada corporation; ARISTOCRAT LEISURE LIMITED, an Australian corporation; and CHURCHILL DOWNS INCORPORATED, a Kentucky corporation,

*Defendants.*

1 Pursuant to 28 U.S.C. § 1746, I declare and state as follows:

2       1. I am an attorney at Edelson PC, which has been retained to represent Plaintiffs  
3 Cheryl Kater, Suzie Kelly, and Manasa Thimmegowda in the above-captioned matters. I am  
4 entering this declaration in opposition to Defendants' Motion for Protective Order Pursuant to  
5 Rule 23(d). I have personal knowledge of the matters stated herein and, if called upon, I could  
6 and would competently testify thereto.

7       2. Neither I nor anyone else at my law firm received any pop-up related phone calls  
8 from putative class members on December 30 or December 31, 2019. By contrast, beginning at  
9 approximately 3:45 p.m. on January 21, 2020, my direct phone line was flooded with calls and  
10 voicemails from putative class members requesting representation and/or further information.

11      3. On January 22, 2020, my firm established [www.nocasinoarbitration.com](http://www.nocasinoarbitration.com). Later  
12 that evening, at approximately 11:00 p.m., my firm began running internet banner advertisements  
13 pointing toward [www.nocasinoarbitration.com](http://www.nocasinoarbitration.com).

14      4. When a putative class member navigates to [www.nocasinoarbitration.com](http://www.nocasinoarbitration.com) and  
15 fills out the six fields of information and then clicks "sign and send," a postcard is automatically  
16 mailed from a third-party facility to Big Fish Games' legal department.

17      5. Since its launch, more than 2,500 individuals have utilized  
18 [www.nocasinoarbitration.com](http://www.nocasinoarbitration.com) to send "opt-out" letters to Big Fish Games' legal department.

19      6. I have repeatedly asked Defendants' counsel to provide specific information  
20 regarding their allegation that "one [unidentified] user reported receiving a call from" an attorney  
21 at Plaintiffs' counsel's law firm, and that attorney "disparaged the games and referred to a class  
22 action lawsuit," so as to allow a substantive response. Defendants' counsel have steadfastly  
23 refused to provide any further information.

24      7. Neither I nor anyone at my firm have cold-called any putative class members in  
25 these cases.

1       8. Attached hereto as Exhibit 1 is a true and accurate copy of an exemplar of the  
2 postcards that are automatically mailed from a third-party facility to Big Fish Games' legal  
3 department when putative class members fill out the six fields on [www.nocasinoarbitration.com](http://www.nocasinoarbitration.com)  
4 and then click "sign and send."

5  
6       I declare under penalty of perjury that the foregoing is true and correct.

7  
8       Executed on February 10, 2020 at San Francisco, California.

9  
10      /s/ Todd Logan

11      Todd Logan